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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/112,608

Applicant(s)

OHBA, AKIO

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-13, 18, 19, 35-39 and 41-44 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 14-17, 20 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 19 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to both claims 19 and 42, it is unclear what "independently outputted two picture signals are left and right independent picture signals for affording the parallax" means. For the remainder of this office action, the examiner will interpret this claim to read: "independently outputting plural picture signals from memory".

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 34c, 83c, 86a, 86c, 207, 208. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11, 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Matheson (U.S. Patent No. 4,570,930).

Referring to claim 1, Matheson discloses plural entertainment devices interconnected via a communication channel (see Figure 1). Matheson also discloses that the plural entertainment devices are interconnected via a synchronization signal transmission channel (see synchronization of games over a telephone line at Column 3, Lines 43-46), and a status change information transmission channel (see user changing status of game at Column 3, Lines 58-64). Matheson also discloses that one of the entertainment devices generates picture signals (see definition of "generation" at Column 4, Lines 17-21) in synchronism with the synchronization signals transmitted via said synchronization signal transmission channel (see Claim 1 of '930 reference), based on the status change information of the own machine (local computer 110) or another machine (remote computer 120). Also refer to claim 1, for synchronizing a video game in regards to the status change information between two computer systems.

Referring to claim 2, Matheson discloses that a memory stores local and remote position data is stored and read from memory to control the current generation (video game that displays picture data to a display) being run (Column 5, Lines 53-60). Matheson also discloses a display control means having a synchronization signal input terminal to which are entered synchronization signals from an outside source (see transmitting data words to synchronize users playing a same "generation" at Column 4, Lines 30-40 and Lines 41-59), and the display control means having the function of outputting as picture signals picture data written in said memory in synchronism with

synchronization signals from an outside source (see how the position data controls the "generation" on the local and remote computers at Column 5, Lines 36-65).

Referring to claim 3, Matheson discloses that picture data is recorded in memory (see position data used to display a frame on a video screen at Column 4, Lines 17-21) that is generated based on the status change information of the local and remote computers (Column 4, Lines 11-14 and Column 5, Lines 43-52) over the synchronization channel (telephone line in Figure 2).

Referring to claim 4, Matheson discloses that the frame numbers of the picture signals are used to achieve frame synchronization (Column 8, Lines 37-44).

Referring to claims 6-9, see rejection of claims 1-4.

Referring to claim 11, Matheson discloses these limitations in claim 2; expect the teaching of a picture output terminal, which is clearly disclosed in Figures 1 and 2 by showing a television display.

Referring to claim 12, see rejection of claim 4.

Referring to claim 13, Matheson discloses a status change information input terminal to which is entered the status change information supplied on the basis of an application program for a game (Column 4, Lines 11-14, Claim 1, and Figures 1 and 2).

Referring to claim 18, Matheson discloses a picture output auxiliary terminal for outputting picture signals (see interface and television in Figure 2).

Referring to claim 19, Matheson discloses displaying picture signals to an output device (see displaying a video frame and generations per second at Column 4, Lines 17-21).

Referring to claim 35, Matheson discloses writing plural picture data in memory (see storing local and remote position data which control display of video frames to memory at Column 5, Lines 43-50). Matheson also discloses synchronizing picture signals by picture data written in memory with synchronizing data written from an outside source (Column 5, Lines 53-61). Matheson also discloses an output for displaying picture signals (see television in Figure 2).

Referring to claim 36, see rejection of claim 4.

Referring to claim 37, Matheson discloses that a remote computer can provide position data to aid in the synchronization process (Column 5, Lines 46-50).

Referring to claim 41, Matheson discloses a telephone network (see Figure 2).

Referring to claim 42, see rejection of claim 18.

Referring to claim 43, see rejection of claim 19.

Referring to claim 44, see rejection of claim 11 and 13.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheson.

Referring to claims 16 and 38, Matheson fails to explicitly teach using telecast signals to synchronize the game machines. At the time the invention was made, it

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would have been obvious to a person of ordinary skill in the art to provide synchronization of a video game through telecast signals for the purpose of providing the user with television programming along with the video game synchronization codes.

Referring to claim 29, Matheson fails to explicitly teach using a satellite network to send the telecast signals. At the time the invention was made, it would have been obvious to a person of ordinary skill to use a satellite source to provide telecast signals for the purpose of increasing the amount of data being transmitted and also transmitting the information at a higher data rate.

***Allowable Subject Matter***

Claims 5, 10, 14-17, 20, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 5, 10, 14-15, 17, and 20, the prior art of record fails to teach a picture input terminal to which picture signals from an outside source are provided. Matheson and Hochstein teach sending and receiving control data related to "picture data" on a synchronization channel, but fail to explicitly teach the use of a separate picture signal input that receives picture signals from another source.

Referring to claim 40, the prior art of record fails to teach a method for measuring the transmission time of transmitting data to other game machines.

Claims 21-34 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claims 21-34, the prior art of record fails to anticipate or rendered obvious a picture input terminal to which picture signals from an outside source are provided. Matheson and Hochstein teach sending and receiving control data related to "picture data" on a synchronization channel, but fail to explicitly teach the use of a separate picture signal input that receives picture signals from another source.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hochstein et al. (U.S. Patent No. 5,350,176) discloses a system similar to Matheson's system by synchronizing two opponents of an active video game.

Tashiro (U.S. Patent No. 4,998,199) discloses multiple video game machines connected to one another on a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

September 18, 2002



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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